IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 3157 of 1995

HIMMAT SINGH
V/S
STATE & ANR

Mr. MC BHOOT, for the appellant / petitioner

Mr. BL BHATI, DY.G.A., for the respondent

Date of Order : 5.11.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

By this petition, the petitioner seeks to challenge the order Annexure-5 whereby the revision of the petitioner against cancellation of his application for grant of lease was dismissed as time barred. The authority passing order Annexure-5 has proceeded on the basis of the order under challenge being of 31.8.87 while the revision has been filed in the year 1993 i.e. after seven years.

It is contended by the learned counsel for the petitioner that the order of 1987 was not communicated to the petitioner, and as soon as it was received by him the revision was filed. It is also contended that there were four more identical matters, wherein also identical orders had been passed, but then after passing of this order Annexure-5, another order has come to be passed by another authority being dt. 7.10.95, and on account of that order

the other four persons have been given relief.

In my view, respondents have not been successfully able to establish that the order dt. 31.8.87 was communicated to the petitioner, or the petitioner did receive it prior to the time alleged by the petitioner.

In these circumstances, I do not find appropriate to sustain the order Annexure-5 whereby the revision was dismissed as time barred.

Consequently, the writ petition is allowed. The order Annexure-5 is set aside, and the matter is sent back to the authority (State Government) to decide the revision on merits instead of deciding it on limitation, and while deciding it so, the authority will also take into consideration the subsequent order dt. 7.10.1995.

(N P GUPTA),J.

/sushil/